

## **REMARKS**

In response to the Office Action dated November 7, 2008, the Assignee respectfully requests reconsideration based on the above amendments and on the following remarks.

Claims 1-2, 4, 6, 8, 10-11, 13, 15, and 17-24 are pending in this application. Claims 2, 4, 17, and 20-24, however, were withdrawn from consideration by restriction. Claims 3, 5, 7, 9, 12, 14, and 16 have been, or previously were, canceled without prejudice or disclaimer.

### **Rejection of Claims under § 103 (a)**

Claims 1, 6, 8, 10-11, 13, 15, and 18-19 were rejected under 35 U.S.C. § 103(a) as being unpatentable over AU Patent No. 200223,231 to Nagle *et al.* in view of U.S. Patent 6,042,080 to Shepherd *et al.* and further in view of U.S. Patent 6,290,377 to Hulse.

These claims, though, are not obvious over *Nagle*, *Shepherd*, and *Hulse*. These claims recite, or incorporate, features that are not disclosed or suggested by the combined teaching of *Nagle*, *Shepherd*, and *Hulse*. Independent claim 1, for example, recites “*at least one mechanical drive mechanism connected to the final segment of the telescopic segments and operatively coupled to respond to the control system, the at least one mechanical drive mechanism configured to at least one of extend and retract the final segment*” (emphasis added). Independent claim 19 recites similar features.

The proposed combination of *Nagle*, *Shepherd*, and *Hulse* does not teach or suggest all these features. As the Assignee has previously explained, *Nagle* discloses a telescopic cable support, and *Shepherd* discloses a telescopic post having a magnetic base. The Office now cites *Hulse* and interprets *Hulse* as teaching a mechanical drive mechanism for extending and retracting a telescopic segment. This interpretation is, respectfully, mistaken. As the below paragraphs explain, *Hulse* uses pneumatics to raise and lower a telescopic mast. *Hulse* uses a mechanical rack and pinion system to change the angle of the mast, not to extend and retract the

mast. The proposed combination of *Nagle*, *Shepherd*, and *Hulse*, then, does not teach or suggest “at least one mechanical drive mechanism connected to the final segment of the telescopic segments and operatively coupled to respond to the control system, the at least one mechanical drive mechanism configured to at least one of extend and retract the final segment” (emphasis added). The proposed combination of *Nagle*, *Shepherd*, and *Hulse*, then, does not teach what the Office alleges.

*Hulse* describes a pneumatically telescoping mast. See U.S. Patent 6,290,377 to *Hulse* at column 3, lines 8-14. As *Hulse* explains, “it is a principle object of the present invention to provide a pneumatically telescoping mast.” *Id.* at column 3, lines 52-54 (emphasis added). Air from an air compressor is supplied to a solenoid, which is used to extend and retract the mast. See *id.* at column 5, lines 16-24. *Hulse* goes on to describe a mechanical “rack and pinion system” that “operates to raise mast 10 from its horizontal position.” *Id.* at column 6, lines 53-55 (emphasis added). The rack and pinion system “allows the mast to be securely maintained at any of a plurality of angles between the generally horizontal position and the generally vertical position.” *Id.* at column 7, lines 1-5 (emphasis added).

Claims 1, 6, 8, 10-11, 13, 15, and 18-19, then, are not obvious over *Nagle*, *Shepherd*, and *Hulse*. When the combined teaching of *Nagle*, *Shepherd*, and *Hulse* is properly interpreted, *Nagle*, *Shepherd*, and *Hulse* teaches pneumatics to raise and lower a telescopic mast and a mechanical rack and pinion system to change the angle of the mast. The proposed combination of *Nagle*, *Shepherd*, and *Hulse*, then, fails to teach or suggest “at least one mechanical drive mechanism connected to the final segment of the telescopic segments ... configured to at least one of extend and retract the final segment,” as the independent claims recite (emphasis added). The dependent claims incorporate these same features and recite additional features. Claims 1, 6, 8, 10-11, 13, 15, and 18-19, then, cannot be obvious, so the Office is respectfully requested to remove the § 103 (a) rejection of these claims.

If any questions arise, the Office is requested to contact the undersigned at (919) 469-2629 or [scott@scottzimmerman.com](mailto:scott@scottzimmerman.com).

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Scott P. Zimmerman', with a stylized flourish at the end.

Scott P. Zimmerman  
Attorney for the Assignee  
Reg. No. 41,390